

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:** June 16, 2004

**Division:** County Attorney

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**AGENDA ITEM WORDING:**

Public hearing for the approval of an emergency ordinance in order to implement an amendment to the Florida Statutes which provides that the BOCC may impose by ordinance an additional court cost of \$65 on criminal traffic offenses.

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**ITEM BACKGROUND:**

Chapter 2004-265, Laws of Florida, was signed into law by the Governor on May 28, 2004, and in order to comply with the requirements imposed on the county, this ordinance must be adopted by July 1, 2004.

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**PREVIOUS RELEVANT BOCC ACTION:**

N/A

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval.

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**TOTAL COST:**

**BUDGETED:** Yes ! No !

**COST TO COUNTY:**

**APPROVED BY:** County Attorney ☐ OMB/Purchasing ! Risk Management !

**DIVISION DIRECTOR APPROVAL:**

 06/03/04  
J. R. Collins

**DOCUMENTATION:**

Included !

To Follow !

Not Required !

**AGENDA ITEM #** U2

**AN ORDINANCE AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, DECLARING THAT AN EMERGENCY EXISTS AND WAIVING NOTICE BY A FOUR-FIFTHS VOTE; AMENDING THE MONROE COUNTY CODE BY ADDING A SECTION TO CHAPTER 2, ART. XXVII, TO BE NUMBERED SECTION 2-605; PROVIDING FOR IMPOSITION OF ADDITIONAL COURT COSTS IN CRIMINAL CASES; PROVIDING FOR ALLOCATION OF FUNDS RECEIVED FROM ADDITIONAL COURT COSTS; PROVIDING FOR REPEALER, SEVERABILITY, INCLUSION IN THE MONROE COUNTY CODE, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on November 3, 1998, the voters of Florida adopted Revision 7 to the Florida Constitution to amend Article V of the Constitution in order to address the problem of disparate court funding throughout the separate counties of the State; and

WHEREAS, during the 2003 session of the State Legislature, the Legislature amended various provisions of the Florida Statutes in order to comply with the requirements of Revision 7; and

WHEREAS, during the 2004 legislative session, the Legislature enacted further amendments to the Florida Statutes in order to provide a more equitable distribution of responsibility for funding the court system; and

WHEREAS, these 2004 Amendments are found in Chapter 2004-265, Laws of Florida; and

WHEREAS, Section 939.185, Florida Statutes, allows each county to adopt a county ordinance assessing additional court costs, not to exceed \$65.00 to be imposed for certain misdemeanor, felony, and criminal traffic violations; and

WHEREAS, the additional funding must be used for: (1) funding innovations to supplement state funding for the elements of the State Courts System identified in Section 29.004, Florida Statutes, and County funding for local requirements under Section 29.008(2)(a)2, Florida Statutes; (2) personnel and legal materials for the public as part of a law library; (3) providing legal aid programs, and (4) support of teen court programs, juvenile assessment centers and other juvenile alternative programs, as determined by the Board of County Commissioners ; and

WHEREAS, the legislation allowing these additional costs requires that the Board of County Commissioners adopt an ordinance requiring these costs; and

WHEREAS, the additional court cost may take effect on July 1, 2004 provided an ordinance has been adopted and is in effect on or before July 1, 2004; and

WHEREAS, the Governor signed Chapter 2004-265, Laws of Florida, on May 28, 2004; and

WHEREAS, the County Commission will not meet again until after July 1, 2004, with the result that the court cost would not be in place on July 1, 2004, and would result in revenue that otherwise would be available to be irretrievably lost; and

WHEREAS, time is of the essence adopting an ordinance imposing the court cost; and

WHEREAS, the Board of County Commissioners of Monroe County hereby finds and declares that adoption of this ordinance is necessary, appropriate, and in the public interest of citizens of this community; now therefore:

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that:**

**Section 1.** An emergency is hereby declared and notice waived by a four-fifths vote.

**Section 2.** Section 2-605 of the Monroe County Code of Ordinances is hereby created and shall read as follows:

**Section 2-605. Additional Court Costs in Criminal Cases.**

(a) Pursuant to Section 939.185, Florida Statutes, an additional court cost of Sixty-Five Dollars (\$65.00) shall be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under Florida laws.

(b) Funds received from this additional court cost shall be distributed as follows:

1. Twenty-five percent (25%) of the amount collected shall be allocated to supplement State funding for the elements of the State courts system in Monroe County as identified in Sections 29.004, Florida Statutes, and County funding for local requirements under Section 29.008(2)(a)2, Florida Statutes.

2. Twenty-five percent (25%) shall be allocated to fund legal aid programs in Monroe County consistent with Section 29.008(3), Florida Statutes.

3. Twenty-five percent (25%) shall be allocated to fund personnel and legal materials for the public as part of law libraries, whether as separate libraries or as part of the Monroe County Public Library System.

4. Twenty-five percent (25%) shall be allocated to fund teen court programs and other juvenile alternative programs in Monroe County as determined by the Board of County Commissioners.

(c) The court shall order payment of these additional court costs in all matters subject to this Ordinance, but may defer payment if the person against whom the cost is imposed is indigent.

(d) At the end of each County fiscal year during which said additional court costs are collected, any surplus is required to be reallocated and transferred for use to fund innovations to supplement funding for the State Court system in Monroe County under paragraph (a)(1) above.

**Section 3. Repealer.**

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**Section 4. Severability.**

It is declared to be the intent of the Board of County Commissioners of Monroe County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

**Section 5. Inclusion into the Code of Ordinances.**

It is the intent of the Board of County Commissioners that the provisions of this ordinance shall become and be made part of the Monroe County Code of Ordinances and that the sections of this ordinance may be renumbered or relettered.

**Section 6. Modification.**

It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board pursuant to Section 6.

**Section 7. Effective Date.**

A certified copy of this Ordinance shall be filed with the Department of State by the Clerk to the Board within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect on July 1, 2004.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 16th day of June , 2004.

Mayor Nelson  
Mayor Pro Tem Rice  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Spehar

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(SEAL)  
Attest: DANNY L.KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor/Chairperson

APPROVED AS TO LEGAL FORM  
OFFICE OF THE MONROE COUNTY ATTORNEY

BY: John R. Collins 06/03/07  
John R. Collins, County Attorney

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